

EXHIBIT B

- (10) Correspondence to Court filing Defendant Family Dollar Stores of Texas, LLC's Original Answer to Plaintiffs' Original Petition and Request for Jury Trial filed January 6, 2022; and
- (11) Defendant Family Dollar Stores of Texas, LLC's Original Answer to Plaintiff's Original Petition and Request for Jury Trial filed January 6, 2022.

Respectfully submitted,

MAYER LLP

750 North St. Paul Street, Suite 700
Dallas, Texas 75201
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By: /s/ Zach T. Mayer
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**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES OF TEXAS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January 2022, a true and correct copy of the foregoing has been forward to all counsel of record, as follows.

Jason F. DeSouza
Robert B. Evans
DESOUZA LAW, PC
3201 Cherry Ridge Dr., Suite C-300
San Antonio, Texas 78230

Counsel for Plaintiff

- ☐ E-Mail (jason@jfdlawfirm.com; robby@jfdlawfirm.com)
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Regular, First Class Mail
- ☒ CM/ECF
- ☐ Certified Mail/Return Receipt Requested

/s/ Zach T. Mayer
Zach T. Mayer

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ	§	IN THE DISTRICT COURT
<i>Plaintiff</i>	§	
	§	
v.	§	345TH, DISTRICT COURT
	§	____ JUDICIAL DISTRICT
FAMILY DOLLAR STORES OF TEXAS,	§	
L.L.C.,	§	
FAMILY DOLLAR STORES, INC.,	§	
FAMILY DOLLAR, INC.,	§	
FAMILY DOLLAR HOLDINGS, INC.,	§	
FAMILY DOLLAR SERVICES, INC.	§	
FAMILY DOLLAR DISTRIBUTION, LLC	§	
FAMILY DOLLAR GC, LLC, AND	§	
EMILY ORELLANA	§	
<i>Defendants</i>	§	OF TRAVIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOSE PAEZ, hereinafter referred to by name or as Plaintiff, and complains of FAMILY DOLLAR STORES OF TEXAS, L.L.C., FAMILY DOLLAR STORES, INC., FAMILY DOLLAR, INC., FAMILY DOLLAR HOLDINGS, INC. FAMILY DOLLAR SERVICES, INC., FAMILY DOLLAR DISTRIBUTION, LLC, FAMILY DOLLAR GC, LLC AND EMILY ORELLANA, hereinafter referred to by name, by "FAMILY DOLLAR", or as Defendants, and for cause of action would respectfully show unto the Court as follows:

I. DISCOVERY CONTROL PLAN

1.1 Plaintiff intends that discovery be conducted under Level 3 of Rule 190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

II. PARTIES

2.1 Plaintiff JOSE PAEZ is an individual residing in TRAVIS, TEXAS.



2.2 Defendant **FAMILY DOLLAR STORES OF TEXAS, L.L.C.**, is a general goods store located at 5301 Stassney Lane, Austin, Texas 78744-3105; and which may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INC., 211 E. 7TH STREET SUITE 620 AUSTIN, TEXAS 78701.**

2.3 **DEFENDANT, FAMILY DOLLAR STORES, INC.**, is a **FAMILY DOLLAR STORE** located at 5301 Stassney Lane, Austin, Texas 78744-3105. It may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INC., 211 E. 7TH STREET, SUITE 620 AUSTIN, TEXAS 78701.**

2.4 Defendant, **FAMILY DOLLAR, INC.**, is a **FAMILY DOLLAR STORE** located at 5301 Stassney Lane, Austin, Texas 78744-3105 and can be served through its registered agent for service of process, **CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INC. 211 E. 7TH STREET, SUITE 620, AUSTIN, TEXAS 78701.**

2.5 Defendant **FAMILY DOLLAR HOLDINGS, INC.**, is a foreign corporation, which may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INC., 211 E. 7TH STREET SUITE 620 AUSTIN, TEXAS 78701.**

2.6 **DEFENDANT FAMILY DOLLAR SERVICES, INC.**, is a foreign corporation, may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC., 211 E. 7TH STREET, SUITE 620, AUSTIN, TEXAS 78701.**

2.7 **DEFENDANT FAMILY DOLLAR DISTRIBUTION, LLC.**, is a foreign corporation, may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC., 211 E. 7TH STREET, SUITE 620, AUSTIN, TEXAS 78701.**



2.8 Defendant **FAMILY DOLLAR GC, LLC**. is a foreign corporation, may be served through its Registered Agent at **CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC., 211 E. 7TH STREET, SUITE 620, AUSTIN, TEXAS 78701**.

2.9 Defendant **EMILY ORELLANA**, an individual, may be served with process at defendant's place of work at **FAMILY DOLLAR OF TEXAS, LLC STORE # 5520, 5301 STASSNEY LN, AUSTIN, TEXAS 78744-3105**.

For purposes of this Petition, the **FAMILY DOLLAR** entities will be referred to globally as “Family Dollar” unless specifically naming one particular entity.

III. SUBJECT MATTER JURISDICTION, PERSONAL JURISDICTION & VENUE

3.1 Subject matter jurisdiction is proper in this Court because the amount in controversy is within the jurisdictional limits of the court in which Plaintiff now sues.

3.2 This court has personal jurisdiction over the parties because all the parties involved are either Texas residents/entities and/or do business in the State of Texas and/or are incorporated in the State of Texas and/or whose corporate headquarters exist in the State of Texas.

3.3 Venue is proper in Travis County, Texas, pursuant to § 15.002(a)(1) of the CIVIL PRACTICE & REMEDIES CODE because it is the County in which all or a substantial part of the events/omissions giving rise to the cause of action occurred.

3.4 Pursuant to TEXAS RULE OF CIVIL PROCEDURE 47(c)(5), Plaintiff has suffered damages in excess of \$1,000,000.



IV. FACTS

4.1 On or about February 26, 2020, Plaintiff **JOSE PAEZ** was lawfully walking into a general store establishment owned, operated, and controlled by Defendants **FAMILY DOLLAR #5520, LOCATED AT 5301 STASSNEY LANE, AUSTIN, TEXAS 78744-3105**, when suddenly, and without warning Plaintiff slipped on standing liquid at Store #5520 and violently fell to the floor, causing severe injuries. As a result of this serious injuries, Plaintiff **PAEZ** has received emergency medical hospitalization, chiropractic and orthopedic treatment.

4.2 Defendant **EMILY ORELLANA** was performing work and maintenance on a piece of equipment in **FAMILY DOLLAR** prior to **PAEZ** entering the **FAMILY DOLLAR #5520**.

4.3 While working on the equipment, **ORELLANO** either spilled a liquid substance on the floor or she caused a leak to occur on the floor where **PAEZ** walked in and fell.

4.4 Defendant **EMILY ORELLANA** previously saw the standing liquid that she caused, and she also saw **PAEZ** enter the store, and she failed to warn him of the hazard that she had created. She had a duty to invitees to warn them or clean it. She failed to take any steps to prevent injury, in fact, causing injuries. Defendant **ORELLANA** is directly liable to Plaintiff as a result of her negligence in failing to remove water that she was aware posed a hazard to patrons.

V. CAUSES OF ACTION

CAUSES OF ACTION AGAINST EMILY ORELLANA

A. NEGLIGENCE

5.1 Defendant **EMILY ORELLANA** breached the duty of care she owed to the Plaintiff and is liable for 'negligent undertaking' in her failure to exercise ordinary



care in the safety of Plaintiff **JOSE PAEZ**. Plaintiff **JOSE PAEZ** was an invitee to whom Defendant owed a duty to use ordinary care, including the duty to protect and safeguard Plaintiff **JOSE PAEZ** from unreasonably dangerous activities on the premises, or to warn of their existence. Plaintiff seeks all applicable damages available under Texas law.

5.2 Her liability from the point of view of ‘negligent undertaking’ can be analyzed as:

a. **EMILY ORELLANA**, undertook to perform maintenance and work on a piece of **FAMILY DOLLAR** equipment and she knew or should have known leaked a liquid substance onto the floor. Some of such services equipment repair, maintenance, include cleaning the areas where there was/is anticipated standing water; placing warning signs in hazardous areas/spots in the store; periodically organizing and monitoring the clean-up of areas susceptible to liquid spills;

b. However, the Defendant, **EMILY ORELLANA** failed to exercise reasonable care in performing those services and took no steps to ensure that the premises was maintained in a condition which was safe for invitees to the store. Specifically,

- i.** **EMILY ORELLANA** was responsible for creating an unreasonably dangerous condition on the premises, by working on a piece of equipment that caused liquid to remain on the floor in walkway of store;
- ii.** Failing to warn invitees, including Plaintiff, of the hazards of an unreasonably dangerous condition on **FAMILY DOLLAR** premises which **EMILY ORELLANA**, in her capacity had, or should have had, actual knowledge of the dangerous condition;



- iii. Failing to warn invitees, including Plaintiff, of the dangerous condition created in **FAMILY DOLLAR'S** premises while those premises were open to shoppers during business hours;
- iv. Failing to immediately remove the liquid from the walkway, the sole route for customers for the aisle;
- v. Failing to inspect the aisles of the store so it could be made safe;
- vi. Failing to adequately supervise one of its employees during the re-stock of the shelves;
- vii. Failing to conduct periodic review as to training of employees as regards safety procedures to be adhered to for the safety of invitees/visitors to the Store;
- viii. Failing to ensure proper channels of communication in case of store -related injury;

c. The Plaintiff, **MR. PAEZ** relied upon the employees of the store, to keep the premises reasonably safe for an entrant/an invitee. Businesses that welcome the public onto their premises have a legal duty to keep them "reasonably" safe. It is with this confidence that invitees enter a store.

“Slip and fall” cases are traditionally based on the duty of care that a possessor of land owes to an invitee. “A business visitor is a person who is invited to enter or remain on land for a purpose directly or indirectly connected with business dealings with the possessor of the land.” ¹



Restatement (Second) of Torts § 332(3) (A.L.I.1965)

A possessor of land is subject to liability for physical harm caused to her invitees by a condition on the land if, she:

- (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees; and
- (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it; and
- (c) fails to exercise reasonable care to protect them against the danger. ²

And, if the possessor of the property holds it open to the public for entry for her business purposes, she is subject to liability to members of the public while they are on the property for business purposes for physical harm caused by the accidental, negligent, or intentionally harmful acts of third persons if the possessor failed to exercise reasonable care to either: a) discover that such acts are being done or are likely to be done, or b) give warning adequate to enable the business visitors to avoid the harm, or otherwise protect them against it.³

5.3 Under these common law principles, the business owner has an affirmative duty to exercise reasonable care to inspect for hazardous conditions and the premise entrant can reasonable expect the premise owner to maintain the premises in safe condition.

d. In this case, **MR. PAEZ** entered the premises with the reasonable faith and belief that the Store taken care of by the employees must not only use care not to injure the visitors by negligent activities, and warn them of hidden dangers known to the occupier, but must also act reasonably to inspect the premises to discover possible dangerous



conditions of which he does not know, and take reasonable precautions to protect the invitee from dangers which are foreseeable from the arrangement or use of the property. The last thing expected from a business invitee, in this case, **MR. PAEZ** would be for him to anticipate that there would be water scattered on the floor. Taking care of the maintenance of the floor is the portfolio of the employees of the store and not the visitor to the store. Moreover, by its very design intends to attract the customer's attention to the items stacked in its shelves. The customer, in all reasonable probability is expected to fix their gaze forward in heading towards the attractive racks rather than look down to check whether they would trip on any liquid lying unattended. That is how shopping at stores like **FAMILY DOLLAR** is primarily designed.

5.4 MR. PAEZ would not find himself in this pathetic predicament today, if Emily Orellana had exercised even a little bit of caution in getting the liquid dried up or in the minimum, placing a warning board near the hazardous spot. The callousness of Emily Orellana is the reason **MR. PAEZ'S** life has been thrown out of gear disabling him from performing his routine activities. All that **MR. PAEZ** has been doing since that fateful date is to consult doctors in a vain attempt to get better medically.

Defendant's acts and omissions, when viewed objectively from the standpoint of the actor at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant had actual, subjective awareness of the risk involved but, nevertheless, proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff **JOSE PAEZ**, and others similarly situated.



As a result, each of Defendant's acts and omissions constitute gross negligence and Plaintiff **JOSE PAEZ** is entitled to the recovery of exemplary damages.

By reason of all the above, Plaintiff **JOSE PAEZ** suffered losses and damages in a sum within the jurisdictional limits of this Court, and for which Plaintiff now sues

CAUSES OF ACTION AGAINST DEFENDANTS, FAMILY DOLLAR STORES OF TEXAS, L.L.C., FAMILY DOLLAR STORES, INC., FAMILY DOLLAR, INC., FAMILY DOLLAR HOLDINGS, FAMILY DOLLAR SERVICES, FAMILY DOLLAR DISTRIBUTION, LLC, AND FAMILY DOLLAR GC, LLC,

B. NEGLIGENCE

5.5 Defendants, **FAMILY DOLLAR** breached the duty of care they owed to Plaintiff as a business invitee and was both negligent and grossly negligent in its failure to exercise ordinary care in the safety of Plaintiff **JOSE PAEZ**. Consequently, Plaintiff **JOSE PAEZ** was an invitee to whom Defendants owed a duty to use ordinary care, including the duty to protect and safeguard Plaintiff **JOSE PAEZ** from unreasonably dangerous activities on the premises, or to warn of their existence. Plaintiff seeks all applicable damages available under Texas law.

5.6 On the occasion in question, Defendants, **FAMILY DOLLAR** and its agents, servants, and employees were guilty of negligence towards Plaintiff **JOSE PAEZ** in the following respects:

1. Creating an unreasonably dangerous condition on their premises, by allowing the water to remain on the floor in walkway of store;
2. Failing to warn invitees, including Plaintiff, of the hazards of an unreasonably dangerous condition on Defendant's premises when Defendants had, or should have had, actual knowledge of the dangerous condition;



3. Failing to warn invitees, including Plaintiff, of the dangerous condition created in its premises while those premises were open to shoppers during business hours;
4. Failing to immediately remove the water from the walkway, the sole route for customers for the aisle;
5. Failing to inspect the aisles of the store so it could be made safe, or Defendant could warn invitees, including Plaintiff, of a dangerous condition created by one of the store employees;
6. Failing to follow safety procedures.
7. Failing to obtain or have the necessary knowledge, training and experience to safely preform his employment duties.

5.7 Each of these acts and/or omissions, whether taken singularly or in any combination constitutes, negligence, negligence per se, and gross negligence which proximately caused the injuries and other losses as specifically set forth herein, all of which Plaintiff **JOSE PAEZ** suffered; and which Plaintiff **JOSE PAEZ** will continue to suffer in the future, likely for the remainder of his natural life.

C. RESPONDEAT SUPERIOR/VICARIOUS LIABILITY

5.8 At all times material to this petition, Defendant **EMILY ORELLANA** was an employee or agent of Defendant **FAMILY DOLLAR**. The acts and omissions of Defendant **EMILY ORELLANA** falls within the course and scope of her employment with Defendant **FAMILY DOLLAR**. Defendant **FAMILY DOLLAR** is liable for the negligent acts and omissions of its employee/agents under the doctrine of vicarious



liability, or *respondeat superior*. Additionally, Defendant **FAMILY DOLLAR**, is also negligent in one or more of the following respects:

- a. negligent hiring;
- b. negligent entrustment;
- c. negligent qualifications;
- d. negligent personnel monitoring and supervision;
- e. negligent retention;
- f. negligent management;
- g. negligent contracting; and
- h. negligent maintenance.

D. GROSS NEGLIGENCE

5.9 As set out above, Defendant's actions constitute not only negligence, but also gross negligence. Defendant's negligent conduct was more than momentary thoughtlessness or inadvertence. Rather, Defendant's acts and omissions, when viewed objectively from the standpoint of the actor at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others.

5.10 Defendant had actual, subjective awareness of the risk involved but, nevertheless, proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff **JOSE PAEZ**, and others similarly situated. As a result, each of Defendant's acts and omissions constitute gross negligence and Plaintiff **JOSE PAEZ** is entitled to the recovery of exemplary damages.



5.11 By reason of all the above, Plaintiff **JOSE PAEZ** suffered losses and damages in a sum within the jurisdictional limits of this Court, and for which Plaintiff now sues.

E. JOINT ENTERPRISE/SINGLE BUSINESS ENTERPRISE

Plaintiff adopts and incorporates by reference herein as if copied herein in extenso, the allegations contained in the paragraphs above, the same as if set forth herein.

Plaintiff alleges that Defendants, **FAMILY DOLLAR STORES OF TEXAS, LLC.**, **FAMILY DOLLAR STORES, INC.**, **FAMILY DOLLAR, INC.**, **FAMILY DOLLAR HOLDINGS, INC.**, **FAMILY DOLLAR SERVICES, INC.**, **FAMILY DOLLAR DISTRIBUTION, LLC** and **FAMILY DOLLAR GC, LLC.** and **EMILY ORELLANO**, individually, were engaged in a joint enterprise, such that these Defendants had an agreement for a common purpose to be carried out by the Defendants, which shared a common pecuniary interest in that common purpose with each Defendant sharing an equal right to direct and control the enterprise.

Therefore, under Texas law, each Defendant is individually liable for the acts and omissions of each other Defendant in carrying out the enterprise.

VI. DAMAGES

6.1 Defendants' acts have been producing and proximate causes of damages to Plaintiff within the jurisdictional limits of this Court.

6.2 As a direct and proximate result of the negligent conduct of the Defendants, Plaintiff has suffered severe bodily injuries to his neck, shoulders, arm, elbow, back, and other parts of his body generally. His entire body was bruised, battered and



contused and he suffered great shock to his entire nervous system. The injuries are permanent in nature. The injuries have had a serious effect on the Plaintiff's health and well-being.

6.3 Some of the effects are permanent and will abide with Plaintiff for a long time into the future, if not his entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this injury throughout his body for a long time in the future, likely for the balance of his natural life.

6.4 As a further result of the nature and consequences of his injuries, Plaintiff suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of his natural life.

6.5 As a further result of all of the above, Plaintiff has incurred expenses for medical care and attention. These expenses were incurred for the necessary care and treatment of the injuries resulting from the incident complained of. The charges for this treatment are reasonable and were the usual and customary charges made for such services in the County where they were incurred.

6.6 As a further result of the injuries sustained by the Plaintiff, there is a reasonable probability that he will require further medical care and attention and will incur future reasonable and necessary expenses for his medical care and



attention.

6.7 By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court for which he now files suit.

6.8 As a consequence of the injuries sustained by the Plaintiff, he has sustained physical impairment and disfigurement. In all reasonable probability, this disability will cause him to suffer long into the future, if not for the balance of his natural life, all due to the damages in an amount that is within the jurisdictional limits of this Court for which he now sues.

VII. INTEREST

7.1 Plaintiff further requests both pre judgment and post judgment interest on all his damages as allowed by law.

VIII. REQUEST FOR JURY TRIAL

8.1 Plaintiff demands that this case be decided by a jury as allowed by TEX. R. CIV. P. 215. Plaintiff acknowledges payment of the required jury fee.

IX. NOTICE OF AUTHENTICATION OF DOCUMENTS PURSUANT TO TRCP 193.7

9.1 Plaintiff hereby provides actual notice to Defendants that Plaintiff will use any or every document produced by each and every Defendant in response to written discovery, in a pretrial proceeding, or at trial. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, any Defendants' production of a document in response to written discovery authenticates the document for use against that Defendant or any other Defendant, unless- within ten (10) days or a longer or shorter time ordered by the court- Defendant objects to the authenticity of the document, or any part of it,



stating the specific basis for its objection. An objection must be either on the record or in writing and must have a good faith factual and legal basis. An objection made to the authenticity of only part of a document does not affect the authenticity of the remainder.

X. CONDITIONS PRECEDENT

10.1 Pursuant to the TEXAS RULES OF CIVIL PROCEDURE, R. 54, Plaintiff states that all conditions precedent to suit have been performed or have occurred, and that every notice required by law to be given has been properly and timely provided.

XI. PRESERVATION OF EVIDENCE/SPOILIATION NOTICE

11.1 Plaintiff hereby requests and demands that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including contracts, lists of donors, emails, minutes of meetings, memoranda, correspondence, financial records, diagrams, maps, photographs, videotapes, audiotapes, recordings, invoices, checks, files, facsimiles, voicemails, text messages, calendar entries, log books, or information related to the reference claim. Failure to maintain such items shall constitute a “spoliation” of the evidence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff have judgment against the Defendants, in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest allowed by law, costs of Court, and for such other further relief to which Plaintiff may be justly



entitled by law and equity, including but not limited to:

1. Physical pain sustained in the past;
2. Mental anguish sustained in the past;
3. Physical pain that, in reasonable probability, Plaintiff will sustain in the future;
4. Mental anguish that, in reasonable probability, Plaintiff will sustain in the future;
5. Physical impairment sustained in the past;
6. Physical impairment that, in reasonable probability, Plaintiff will sustain in the future;
7. Medical care expenses sustained in the past;
8. Medical care expenses that, in reasonable probability, Plaintiff will sustain in the future;
9. Loss of consortium;
10. Property damage;
11. Loss of use;
12. Pre-judgment interest;
13. Post-judgment interest;
14. Exemplary damages;
15. Loss of Future Wage-Earning Capacity;
16. Disfigurement sustained in the past; and
17. Disfigurement that, in reasonable probability, Plaintiff will sustain in the



future.

RESPECTFULLY SUBMITTED,

DESOUZA LAW, PC

3201 CHERRY RIDGE DR., SUITE C-300

SAN ANTONIO, TEXAS 78230

210/ 714-4215 – PHONE

210/496-0060 – FACSIMILE

By: /s/ Jason F. DeSouza

JASON F. DESOUZA

STATE BAR NO.: 24073255

jason@jfdlawfirm.com

By: /S/ Robert B Evans

ROBERT B EVANS

STATE BAR NO.: 24034767

robby@jfdlawfirm.com

ATTORNEYS FOR PLAINTIFF



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jason DeSouza
 Bar No. 24073255
 jason@jfdlawfirm.com
 Envelope ID: 59766034
 Status as of 12/8/2021 10:20 AM CST

Associated Case Party: JOSE PAEZ

Name	BarNumber	Email	TimestampSubmitted	Status
Jason DeSouza		jason@jfdlawfirm.com	12/7/2021 6:44:17 AM	SENT
Robert Evans		robby@jfdlawfirm.com	12/7/2021 6:44:17 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Shelly Cantu		shelly@jfdlawfirm.com	12/7/2021 6:44:17 AM	SENT
Jason DeSouza		scheduling@jfdlawfirm.com	12/7/2021 6:44:17 AM	SENT

I, VELVA L. PRICE, District Clerk, Travis County,
 Texas, do hereby certify that this is a true and
 correct copy as same appears of record in my
 office. Witness my hand and seal of office
 On 01/11/2022 08:24:34



VELVA L. PRICE
 DISTRICT CLERK

By Deputy: 

CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
FAMILY DOLLAR HOLDINGS INC; FAMILY DOLLAR SERVICES INC; FAMILY DOLLAR
DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

TO: **FAMILY DOLLAR DISTRIBUTION LLC**
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC.
211 E 7TH STREET #620
AUSTIN TX 78701

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Attached is a copy of the **PLAINTIFF S ORIGINAL PETITION** in the above styled and numbered cause, which was filed on **December 06, 2021** in the **345th District Court** of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, **December 08, 2021**

REQUESTED BY:
DeSouza, Jason F.
3201 CHERRY RIDGE DR. SUITE C300
SAN ANTONIO, TX 78230
Work: 210-714-4215
Fax: 210-496-0060



[Signature]
 Velva L. Price
 Travis County District Clerk
 Travis County Courthouse
 1000 Guadalupe, P.O. Box 679003 (78767)
 Austin, TX 78701

PREPARED BY: **Ruben Tamez**

RETURN

Came to hand on the _____ day of _____, _____ at _____ o'clock ____ M., and executed at _____ within the County of _____ on the _____ day of _____, _____, at _____ o'clock ____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the **PLAINTIFF S ORIGINAL PETITION** accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the _____

By: _____

_____ day of _____, _____.

Printed Name of Server

Notary Public, THE STATE OF TEXAS
D-1-GN-21-007096

County, Texas

Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office
 On **01/11/2022 08:24:34**

SERVICE FEE NOT PAID

[Signature]
VELVA L. PRICE
DISTRICT CLERK
 By Deputy: *[Signature]*

CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
FAMILY DOLLAR HOLDINGS INC; FAMILY DOLLAR SERVICES INC; FAMILY DOLLAR
DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

TO: **FAMILY DOLLAR GC LLC**
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC.
211 E 7TH STREET #620
AUSTIN TX 78701

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YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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Work: 210-714-4215
Fax: 210-496-0060



Velva L. Price
 Velva L. Price
 Travis County District Clerk
 Travis County Courthouse
 1000 Guadalupe, P.O. Box 679003 (78767)
 Austin, TX 78701

PREPARED BY: **Ruben Tamez**

RETURN

Came to hand on the _____ day of _____, _____ at _____ o'clock ____ M., and executed at _____ within the County of _____ on the _____ day of _____, _____, at _____ o'clock ____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the **PLAINTIFF S ORIGINAL PETITION** accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the _____

By: _____

_____ day of _____, _____.

Printed Name of Server

Notary Public, THE STATE OF TEXAS
D-1-GN-21-007096

County, Texas

Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office
 On **01/11/2022 08:24:34**

SERVICE FEE NOT PAID

Velva L. Price
VELVA L. PRICE
DISTRICT CLERK
 By Deputy: *MR*

CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
FAMILY DOLLAR HOLDINGS INC; FAMILY DOLLAR SERVICES INC; FAMILY DOLLAR
DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

TO: **FAMILY DOLLAR HOLDINGS INC**
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INC.
211 E 7TH STREET #620
AUSTIN TX 78701

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Attached is a copy of the **PLAINTIFF S ORIGINAL PETITION** in the above styled and numbered cause, which was filed on **December 06, 2021** in the **345th District Court** of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, **December 08, 2021**

REQUESTED BY:
DeSouza, Jason F.
3201 CHERRY RIDGE DR. SUITE C300
SAN ANTONIO, TX 78230
Work: 210-714-4215
Fax: 210-496-0060



[Signature]
 Velva L. Price
 Travis County District Clerk
 Travis County Courthouse
 1000 Guadalupe, P.O. Box 679003 (78767)
 Austin, TX 78701

PREPARED BY: **Ruben Tamez**

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 By Deputy: *[Signature]*

CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
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DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

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PREPARED BY: **Ruben Tamez**

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CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
FAMILY DOLLAR HOLDINGS INC; FAMILY DOLLAR SERVICES INC; FAMILY DOLLAR
DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

TO: **FAMILY DOLLAR SERVICES INC**
BY SERVING ITS REGISTERD AGENT CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INC.
211 E 7TH STREET #620
AUSTIN TX 78701

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[Signature]
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JOSE PAEZ

, PLAINTIFF(S)

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, DEFENDANT(S)

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AUSTIN TX 78701

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VELVA L. PRICE, District Clerk, Travis County,
D-1-GN-21-007096

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CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-21-007096

JOSE PAEZ

, PLAINTIFF(S)

vs.

FAMILY DOLLAR STORES OF TEXAS LLC; FAMILY DOLLAR STORES INC; FAMILY DOLLAR INC;
FAMILY DOLLAR HOLDINGS INC; FAMILY DOLLAR SERVICES INC; FAMILY DOLLAR
DISTRIBUTION LLC; FAMILY DOLLAR GC LLC; EMILY ORELLANA

, DEFENDANT(S)

TO: **EMILY ORELLANA**
FAMILY DOLLAR OF TEXAS LLC STORE #5520
5301 STASSNEY LANE
AUSTIN TX 78744-3105

Defendant, in the above styled and numbered cause:

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3201 CHERRY RIDGE DR. SUITE C300
SAN ANTONIO, TX 78230
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Fax: 210-496-0060
Velva L. Price
Travis County District Clerk
Travis County Courthouse
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Austin, TX 78701PREPARED BY: **Ruben Tamez**

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VELVA L. PRICE
DISTRICT CLERK
By Deputy: **SERVICE FEE NOT PAID**

MAYER

1/6/2022 3:04 PM
 Velva L. Price
 District Clerk
 Travis County
 D-1-GN-21-007096
 Chloe Jimenez

ROBIN R. GANT
 DIRECT: 214.379.6908
 E-MAIL: RGANT@MAYERLLP.COM

January 6, 2022

Jason F. DeSouza
 DESOUZA LAW, PC
 3201 Cherry Ridge Dr., Suite C-300
 San Antonio, Texas 78230

Re: Jose Paez v. Family Dollar Stores of Texas, LLC, Family Dollar Stores, Inc., Family Dollar, Inc., Family Dollar Holdings, Inc., Family Dollar Services, Inc., Family Dollar Distribution, LLC, Family Dollar GC, LLC, and Emily Orellana

Cause No.: D-1-GN-21-007096

Court: In the 345th District Court, Travis County, Texas

Our File No.: 58000.00602

Dear Mr. DeSouza:

Enclosed is ***Family Dollar Stores of Texas, LLC's Original Answer to Plaintiff's Original Petition and Request for a Jury Trial*** in the above-referenced matter, which was e-filed today in the 345th District Court, Travis County, Texas.

Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's Answers to FAMILY DOLLAR STORES OF TEXAS, LLC's (forthcoming) written discovery requests.

Should you have any questions, please do not hesitate to contact Dwayne Lewis, the handling attorney on this file at 214.379.4332, dlewis@mayerllp.com or me at 214.379.6908 or via email at rgant@mayerllp.com.

Sincerely,

MAYER LLP

By: _____

Robin R. Gant



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patty Mikula on behalf of Robin Gant
 Bar No. 24069754
 pmikula@mayerllp.com
 Envelope ID: 60570481
 Status as of 1/7/2022 8:47 AM CST

Associated Case Party: JOSE PAEZ

Name	BarNumber	Email	TimestampSubmitted	Status
Jason DeSouza		jason@jfdlawfirm.com	1/6/2022 3:04:55 PM	SENT
Robert Evans		robby@jfdlawfirm.com	1/6/2022 3:04:55 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Shelly Cantu		shelly@jfdlawfirm.com	1/6/2022 3:04:55 PM	SENT
Jason DeSouza		scheduling@jfdlawfirm.com	1/6/2022 3:04:55 PM	SENT
Kristy Fisher		kfisher@mayerllp.com	1/6/2022 3:04:55 PM	SENT

Associated Case Party: FAMILY DOLLAR STORES OF TEXAS LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Dwayne Lewis		dlewis@mayerllp.com	1/6/2022 3:04:55 PM	SENT
Zach Mayer		zmayer@mayerllp.com	1/6/2022 3:04:55 PM	SENT
Robin Gant		rgant@mayerllp.com	1/6/2022 3:04:55 PM	SENT

I, VELVA L. PRICE, District Clerk, Travis County,
 Texas, do hereby certify that this is a true and
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 On 01/11/2022 08:24:35



VELVA L. PRICE
 DISTRICT CLERK
 By Deputy: MR

345th JUDICIAL DISTRICT

Page 29 of 32

III.
JURY DEMAND

3. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant, FAMILY DOLLAR STORES OF TEXAS, LLC hereby demands a trial by jury and thereby enders the applicable jury fee with its Answer.

IV.
PRAYER FOR RELIEF

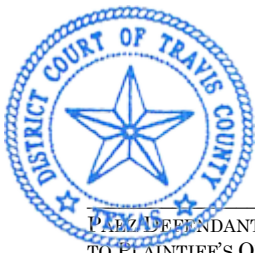
Defendant FAMILY DOLLAR STORES OF TEXAS, LLC prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MAYER LLP
750 North Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / F: 214.379.6939

By: /s/Robin R. Gant
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com
Dwayne I. Lewis, II
State Bar No. 24097996
E-Mail: dlewis@mayerllp.com

ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES OF TEXAS, LLC



CERTIFICATE OF SERVICE

This is to certify that on the 6th day of January 2022, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Jason F. DeSouza
Robert B. Evans
DESOUZA LAW, PC
3201 Cherry Ridge Dr., Suite C-300
San Antonio, Texas 78230

Counsel for Plaintiff

☒ E-Mail (jason@jfdlawfirm.com; robby@jfdlawfirm.com)

☐ Hand Delivery

☐ Facsimile

☐ Overnight Mail

☐ Regular, First Class Mail

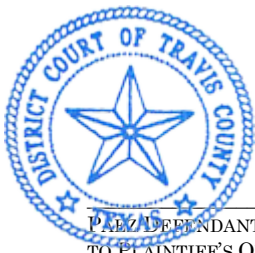
☒ E-File and Serve

☐ E-Service Only

☐ Certified Mail/Return Receipt Requested

/s/ *Robin R. Gant*

Robin R. Gant



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Jason DeSouza		scheduling@jfdlawfirm.com	1/6/2022 3:04:55 PM	SENT
Kristy Fisher		kfisher@mayerllp.com	1/6/2022 3:04:55 PM	SENT

Associated Case Party: FAMILY DOLLAR STORES OF TEXAS LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Dwayne Lewis		dlewis@mayerllp.com	1/6/2022 3:04:55 PM	SENT
Zach Mayer		zmayer@mayerllp.com	1/6/2022 3:04:55 PM	SENT
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